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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,487	08/22/2003	**Kevin Wade Jameson**	CFSTP014	8737

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EXAMINER	
RADTKE, MARK A	
ART UNIT	PAPER NUMBER
2165	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/645,487	JAMESON, KEVIN WADE	
	Examiner	Art Unit	
	MARK A. X RADTKE	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communications filed on 4 February 2008, claim(s) 1 is/are amended per Applicant's request. Therefore, claims 1-12 are presently pending in the application, of which, claim(s) 1, 5 and 9 is/are presented in independent form.

2. In light of Applicant's amendments, the rejection of claim 1 under 35 USC 112, second paragraph, is withdrawn. In light of the Terminal Disclaimer filed 4 February 2008, the double patenting rejection is withdrawn. Since the Terminal Disclaimer has not yet been acted, Examiner reserves the right to reinstate it later in prosecution should the petition be denied.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundararajan (U.S. Pat. No. 6,487,577).

As to claim 1, Sundararajan teaches a Collection Symbolic Job Expander process for expanding a collection symbolic job request into a list of expanded job requests, to be performed on a computer (see Abstract), comprising the following steps:

(a) receiving a collection symbolic job request from a request originator to perform a collection job expansion action on said collection symbolic job request (see figure 6a and see column 7, lines 58-60, where "request originator" is read on "client" and where "collection symbolic job request" is read on "job"),

(b) performing said collection job expansion action on said collection symbolic job request using a collection symbolic job expander means to produce an expanded job list (see column 7, lines 15-17, where "performs" is read on "executes"),

(c) returning said expanded job list to said request originator (see column 7, lines 60-62),

thereby solving the Collection Symbolic Job Expansion Problem, and improving the productivity of people who process collections by enabling them to use a convenient symbolic job syntax for requesting complex processing tasks on large sets of collections (This limitation describes the problem to be solved by the invention and will not be given patentable weight. For the same reason, the last limitation of every claim in the instant application will not be given patentable weight).

Sundararajan does not explicitly teach

wherein said collection symbolic job request is comprised of a symbolic task name and a collection reference expression, and wherein said expanded job list is comprised of a list of expanded job requests, each comprised of said symbolic task

name, an expanded collection name, a computing platform name, and a collection visit order value.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The collection job expansion would be performed the same regardless of the data structure sent in the request. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, (see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994)).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art at the time the invention was made to perform the collection job expansion based on any type of request parameters, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of data does not patentably distinguish the claimed invention.

As to claims 2, 6 and 10, Sundararajan teaches wherein

(a) said step of performing said collection job expansion action uses information from a collection storage system to expand a collection reference expression (See column 3, lines 51-61. Specifically, the database look-up portion of the citation discloses an ID number that can be used to "provide the SC computer with information on [...] the job". See also column 4, lines 14-28.),

thereby solving the Collection Reference Expansion Problem, and thereby improving human productivity by enabling people to use convenient collection reference expressions to refer to sets of collections, without being responsible for knowing exactly which collections are members of said sets of collections.

As to claims 3, 7 and 11, Sundararajan does not explicitly teach wherein

(a) said step of performing said collection job expansion action uses information from a collection type definition to determine platform assignment information, and

wherein said collection type definition is a user-defined set of attributes that are useful to application programs for understanding and processing collections,

thereby solving the Collection Platform Assignment Problem, and thereby improving human productivity by enabling collection processing programs to automatically determine platform assignment details for collection job requests in ways that were not previously known to the art.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The collection job expansion would be performed the same regardless of the data structure sent in the request. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, (see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994)).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art at the time the invention was made to perform the collection job expansion based on any type of request parameters, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of data does not patentably distinguish the claimed invention.

As to claims 4, 8 and 12, Sundararajan does not explicitly teach wherein

(a) said step of performing said collection job expansion action uses information from a collection specifier or from a collection type definition to determine collection visit order values, and

wherein collection specifiers contain information about collection instances, including collection type indicators and explicit visit order values, and wherein said collection type definition is a user-defined set of attributes that are useful to application programs for understanding and processing collections,

thereby solving the Collection Visit Order Problem, and thereby improving human productivity by enabling collection processing programs to automatically determine collection visit order values to enforce processing dependencies among collections in a set, in ways that were not previously known to the art.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The collection job expansion would be performed the same regardless of the data structure sent in the request. Thus, this descriptive material will not distinguish the claimed invention from

the prior art in terms of patentability, (see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994)).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art at the time the invention was made to perform the collection job expansion based on any type of request parameters, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of data does not patentably distinguish the claimed invention.

As to claim 5, Sundararajan teaches a programmable Collection Symbolic Job Expander device for expanding a collection symbolic job request into a list of expanded job requests (see Abstract), whose actions are directed by software executing a process comprising the following steps:

For the remaining steps of this claim applicant(s) is/are directed to the remarks and discussions made in claim 1 above.

As to claim 9, Sundararajan teaches a computer readable memory, encoded with data representing a Collection Symbolic Job Expander computer program, that can be used to direct a computer when used by the computer (see Abstract), comprising:

For the remaining steps of this claim applicant(s) is/are directed to the remarks and discussions made in claim 1 above.

Response to Arguments

5. Applicant's arguments filed on 4 February 2008 with respect to the rejected claims in view of the cited references have been fully considered but are not deemed persuasive.

In response to Applicant's arguments that Sundararajan does not teach "collection symbolic job request", the arguments have been fully considered but are not deemed persuasive.

To support this argument, Applicant sites paragraph [0032] of the instant specification. While the claims are to be read in light of the specification, it is improper to import limitations from the specification into the claims, as Applicant has done in this case. The claims are given their broadest reasonable interpretation with respect to the level of ordinary skill in the art at the time the invention was made. One of ordinary skill in the art would not assign any meaning to the term "collection symbolic job request" beyond the well-known concept of job execution. Even if one were to interpret the phrase narrowly, Sundararajan would continue to anticipate the claimed invention. For example, immediately following the portion of Sundararajan quoted by Applicant, the prior art teaches: "The job type identification can be referenced in a field of a database to provide the SC computer with information on steps to be executed to complete the job. In one embodiment, the job identification is a numeric code which specifies various operations such as data compression or matrix multiplications" (see col. 3, ll. 55-61).

Thus, a job is a collection of operations ("various operations" implies a plurality, or collection) requested to be executed ("to be performed") using symbolic data ("job identification is a numeric code", or symbol).

Applicant goes on to argue that, with respect to the term "collection", Applicant is acting as his or her own lexicographer. Although the Examiner does not necessarily agree that the last sentence of paragraph [0011] of the instant application constitutes a proper and explicit definition, the point will be addressed in the hope of advancing prosecution. Assuming *arguendo* that a collection is "the union of collection specifier information and collection content information", one must ask what is meant by "collection specifier information" and "collection content information". The Examiner does not believe there is any language in the specification that could be construed to be an explicit definition for these terms, and they have no particular meaning in the art. Thus, we arrive at a definition of "collection" that is nothing more than a collection of two pieces of data, subjectively interpreted to be specifier and content information. Since these features do not functionally relate to the claimed invention, it is appropriate to consider them obvious over the prior art for the reasons stated in the rejection above and as described in the Federal Circuit decisions *In re Gulack* and *In re Lowry*.

Finally, it is noted that Applicant's arguments with respect to the interpretation of the term "collection symbolic job request" appear to contradict the language of the claims themselves. In the "wherein" limitation, Applicant defines a structure for the collection symbolic job request: it is "comprised of a symbolic task name and a collection reference expression", etc. This contradicts the explicit definition argued

above. Again, Applicant these terms are not used in the context of the claimed invention. As it stands, the claimed features at issue are nothing more than a collection of non-functional descriptive material, and as such are considered obvious over the prior art until such time as they are made to functionally relate to the claimed invention. Applicant should take care to specifically describe the behavior and function of the claimed invention.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications should be directed to the examiner, Mark A. Radtke. The examiner's telephone number is (571)

272-7163, and the examiner can normally be reached between 9 AM and 5 PM, Monday through Friday.

If attempts to contact the examiner are unsuccessful, the examiner's supervisor, Christian Chace, can be reached at (571) 272-4190.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at (800) 786-9199.

maxr
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26 June 2008

/Christian P. Chace/
Supervisory Patent Examiner, Art Unit 2165